

**AMENDMENTS TO THE DRAWINGS:**

Fig. 1 has been amended to add a label of "Prior Art", as shown in the attached drawing Replacement Sheet corresponding to Figs. 1 and 2. Applicant respectfully requests that the attached drawing Replacement Sheet corresponding to Figs. 1 and 2 be entered and associated with this application.

Attachments: One (1) drawing Replacement Sheet corresponding to Figs. 1 and 2.

### **REMARKS<sup>1</sup>**

In the Office Action, Fig. 1 is objected to as it does not have a legend "Prior Art"; claim 5 is objected to because of informalities; claims 11, 12, 15, 16, 18, and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Patent Application Pub. No. 2002/0075886 to Tagore-Brage et al. ("Tagore-Brage"); claims 1-7, 14, 17, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagore-Brage in view of Patent Application Pub. No. 2003/0103450 to Chapman et al. ("Chapman"); claims 8-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagore-Brage in view of Chapman and Patent Application Pub. No. 2003/0145246 Suemura ("Suemura"); and claims 13 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagore-Brage in view of Suemura.

Applicant has amended Fig. 1 and claims 4, 5, 11, 12, 17, 18, and 21. Applicant respectfully requests reconsideration and allowance of the application for the reasons presented bellow.

#### **Drawings**

Fig. 1 is objected to as it does not contain the legend "Prior Art." Applicant has added the legend "Prior Art" in Fig. 1. Therefore, the objection should be withdrawn.

#### **Claim Objection**

Claim 5 is objected to because of an informality. Applicant has deleted the word "the" from the phrase "the a pre-configured forward table," according to the Examiner's suggestion. Applicant respectfully requests the objection be withdrawn.

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<sup>1</sup> As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

**Claim Rejections Under 35 U.S.C. § 102 (b)**

Claims 11, 12, 15, 16, 18, and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tagore-Brage. Applicant respectfully traverses the rejection because the prior art fails to teach each and every element of these claims.

Applicant respectfully submits that Tagore-Brage fails to teach or suggest a combination of “wherein, the Ethernet service signals at network side received by transmitting/receiving module are duplicated by the space-division cross module into two copies, wherein one copy is transmitted to the local service processing part and the other copy is returned to the network side for continuous transmission,” as recited in claim 11.

In rejecting claim 11, the Office Action relies on Paragraph 0024 of Tagore-Brage and asserts that it teaches the above quoted combination. Paragraph 0024 of Tagore-Brage describes that **a copy of the packet is stored in the device**. However, in claim 11, the Ethernet service signals at network side received by the transmitting/receiving module **are duplicated by the space-division cross module into two copies**, wherein one copy is transmitted to the local service processing part and **the other copy is returned to the network side for continuous transmission**. Tagore-Brage fails to teach “the Ethernet service signals ...[being] duplicated ...into two copies, wherein one copy is transmitted... and the other copy is returned ...,” as recited in claim 11.

Applicant respectfully submits that claim 11 is allowable over Tagore-Brage.

Independent claims 15 and 18, although of different scope, recite limitations similar to those in independent claim 11. Applicant respectfully submits that independent claims 15 and 18 are allowable for at least the same reason as claim 11.

Claims 12, 16, and 20 depend from independent claims 11, 15, and 18 respectively and thus include all of the limitations of their respective base independent claims. Therefore, claims 12, 16, and 20 are patentable over the cited prior art at least due to their dependence from their respective base claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 11, 12, 15, 16, 18, and 20 under 35 U.S.C. § 102(b), and allow these claims.

**Claim Rejections Under 35 U.S.C. § 103(a)**

**A. Claims 1-7, 14, 17, and 21**

Claims 1-7, 14, 17, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagore-Brage in view of Chapman. Applicant respectfully submits that no *prima facie* case of obviousness has been established for these claims.

Claim 1 recites a combination of “a receiving station receiving the Ethernet service signals from the transmitting channel, performing a space-division cross operation upon the received signals and duplicating the signals into two copies, wherein one copy is locally downloaded and the other copy is returned to the transmission channel for continuous transmission,” which is similar to the above-discussed limitations of claim 11. As stated above, Tagore-Brage fails to disclose or suggest the combination in claim 11. Similarly, Tagore-Brage fails to disclose or suggest the combination recited in claim 1 as well.

Chapman, which was cited as allegedly teaching “a Center Server (CS) receiving the Ethernet service signals and transmitting the signals to a transmission channel for transmission” (Office Action, p.9), fails to cure the deficiency of Tagore-Brage. That is, Chapman also fails to disclose or suggest a combination of “a receiving station

receiving the Ethernet service signals from the transmitting channel, performing a space-division cross operation upon the received signals and duplicating the signals into two copies, wherein one copy is locally downloaded and the other copy is returned to the transmission channel for continuous transmission,” as recited in claim 1.

Moreover, there is no motivation for one of ordinary skill in the art to modify the references to achieve the claimed combination. Therefore, claim 1 is patentable over Tagore-Brage in view of Chapman.

Independent claims 11, 15, and 18, although of different scope, recite limitations similar to those in independent claim 1. Therefore, independent claims 11, 15, and 18 are allowable over Tagore-Brage in view of Chapman for the same reasons as claim 1. Claims 2-7, 14, 17, and 21 depend from claims 1, 11, 15, and 18, and are allowable at least due to their dependence from those independent claims.

#### B. Claims 8-10

Claims 8-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagore-Brage in view of Chapman and Suemura. Applicant respectfully submits that no *prima facie* case of obviousness has been established for these claims.

Claims 8-10 ultimately depend from claim 1. As discussed above, claim 1 is patentable over Tagore-Brage in view of Chapman. Suemura is directed to a fault recovery system and method for a communications network. With respect to claim 8, the Examiner acknowledged that Tagore-Bare does not teach “the MAC layer label [being] a Virtual Local Area Network (VLAN) label, or a Multiple-Protocol Label Switching (MPLS) label or a Resilient Packet Ring (RPR) label,” but asserted that Suemura teaches such an element. Whether this allegation is correct or not, Suemura

fails to cure the deficiency of Tagore-Brage and Chapman. That is Suemera also fails to disclose or suggest a combination of “a receiving station receiving the Ethernet service signals from the transmitting channel, performing a space-division cross operation upon the received signals and duplicating the signals into two copies, wherein one copy is locally downloaded and the other copy is returned to the transmission channel for continuous transmission,” as recited in claim 1 and required by claim 8. Moreover, there is no motivation for one of ordinary skill in the art to modify the references to achieve the claimed combination. Therefore, Applicant respectfully submits that claim 1 and its dependent claim 8 are patentable over the cited references.

Similarly, claims 9 and 10 ultimately depend from claim 1, and include all of the limitations of claim 1. Claims 9 and 10 are patentable over the cited references at least due to their dependence from claim 1.

#### C. Claims 13 and 19

Claims 13 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagore-Brage in view of Suemura. Applicant respectfully submits that no *prima facie* case of obviousness has been established for these claims.

Claim 13 depends from independent claim 11 and claim 19 depends from independent claim 18. As discussed above with respect to the § 102(b) rejection, Tagore-Brage fails to teach “the Ethernet service signals ...[being] duplicated ...into two copies, wherein one copy ... and the other copy is returned ...,” as recited in claim 11 and as similarly recited in claim 18. Suemura, which was cited as allegedly teaching a network identifier module, fails to cure the deficiency of Tagore-Brage. Therefore, claims 11 and 18 are patentable over Tagore-Brage in view of Suemura. Claims 13 and

19 are patentable over these references at least due to their dependence from claims 11 and 18.

For at least the foregoing reasons, Applicant has demonstrated that the Examiner has failed to establish a *prima facie* case of obviousness for claims 1-10, 13, 14, 17, 19, and 21. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-10, 13, 14, 17, 19, and 21 under 35 U.S.C. § 103(a), and allow these claims.

**Conclusion**

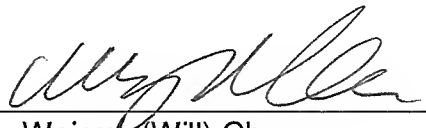
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: January 19, 2010

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